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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,844	07/14/2003	Emanuel A. Hendriks	7016S-000005	4335

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EXAMINER
NGUYEN, JOHN QUOC
ART UNIT
PAPER NUMBER
3654

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,844

Applicant(s)

HENDRIKS ET AL. *ST*

Examiner

John Q. Nguyen

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The drawings are objected to because Fig. 1 is not labeled "Prior art" and at least reference numerals 18, 20, 22, 30 are not shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1, 11, 12, 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that "conveyer" (claim 1, line 2) should be --conveyor--, that --trailing-- should be inserted before "edge" (claim 14, last line).

The following appear to lack sufficient antecedent basis (in the claim): "the holdup conveyor" (claims 11 and 12).

All terms such as "it", "its", "they", "their", "them", etc., should be clarified. For instance, see at least claim(s) 1.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Casimaty et al (US 5655729) and Nunes, Jr (US 3429377).

Applicant's admitted prior art shown in fig. 1 discloses substantially all the claimed features including transport conveyor 4, starter 6, tray 7, roll-up conveyor 4, "ejector device" 8. A human operator detects the trailing edge of the sod strip and adjusts the position of plate 8 to complete the winding and eject the roll. Nunes, Jr. discloses another similar apparatus in which an edge detector 78 is used to detect the trailing edge to activate a mechanical sensor including element 100 which proceeds to complete the winding and eject the roll. An inherent delay is present between the moment the edge detector detects the edge and the moment the roll is ejected, the delay dependent on the location of the edge detector relative to the roll. It would have

been obvious to a person having ordinary skill in the art to alternatively provide the admitted prior art apparatus with an edge detector and mechanical sensor as taught by Nunes, Jr. to proceed to winding completion and roll ejection to reduce manual/operator labor. Casimaty et al discloses another similar winding device in which (see figs. 4-5) a "holding conveyor" 51 is used to maintain a winding roll in the winding position until completion and ejection when the conveyor 51 is moved to eject the roll. It would have been obvious to a person having ordinary skill in the art to replace the plate 8 of the admitted prior art apparatus with a holding conveyor as taught by Casimaty et al to hold and eject the roll. Therefore, in view of the prior art as a whole, it would have been obvious to a person having ordinary skill in the art to provide the admitted prior art apparatus with an edge detector as taught by Nunes, Jr to detect the trailing edge and with a controller to control the activation of the holding conveyor to complete winding and eject the roll to reduce manual/operator labor, the time of activation to take into account the time to complete winding and the time to complete winding dependent upon the length of the strip to be wound located between the edge detector and the roll. Length detectors are old and well known and Official notice of such is hereby taken; the provision of a length detector to determine when to complete the winding would have been obvious to a person having ordinary skill in the art since to wind the length of strip between the edge detector and the roll.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10, 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nunes, JR. (US 3429377).

Note trailing edge sensor 78, "retaining device" including assembly 88, and ejector device which reads on the mechanism which operates and includes element 125, "holding conveyor" 81 in "activated" position (fig. 7A) and "deactivated" position (fig. 8A). An inherent delay is present between the moment the edge detector detects the edge and the moment the roll is ejected, the delay dependent on the location of the edge detector relative to the roll.

Claims 11, 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunes, JR. (US 3429377).

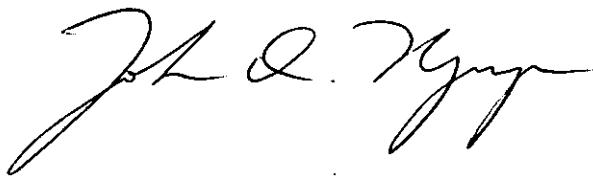
To alternatively provide the apparatus of Nunes with a controller to receive a signal from the edge detector would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference and design criteria (such as to facilitate and obtain more precision in the controlling process with the use of electronic controllers and electronic detectors). Displacement sensors are old and well known in the art and Official notice is hereby taken of such; therefore the provision of displacement sensor to more precisely control the delay between trailing edge detection and completion and ejection would have been obvious to a person having ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (703) 308-2689. The examiner can normally be reached on Monday-Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Q. Nguyen
Primary Examiner
Art Unit 3654